

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE  
255 Link Avenue, 1820' W of  
Belair Road  
(3913 Link Avenue)  
11th Election District  
5th Councilmanic District  
Daniel W. Bahr, et ux  
Petitioners

\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-452-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing fence, 6 feet in height, in the rear yard adjoining the front yard of a neighboring property, with a setback of 1 foot in lieu of the minimum required 30 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-2b (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioners also submitted a letter of approval from the adjoining affected property owner marked Petitioner's Exhibit 3. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of July, 1991 that the Petition for Residential Variance to permit an existing fence, 6 feet in height, in the rear yard adjoining the front yard of a neighboring property, with a setback of 1 foot in lieu of the minimum required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING  
Date 7/3/91  
By [Signature]

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

July 3, 1991

887-3353

Mr. & Mrs. Daniel W. Bahr  
3913 Link Avenue  
Baltimore, Maryland 21236

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Link Avenue, 1820' W of Belair Road  
(3913 Link Avenue)  
11th Election District - 5th Councilmanic District  
Daniel W. Bahr, et ux - Petitioners  
Case No. 91-452-A

Dear Mr. & Mrs. Bahr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE  
91-452-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 3913 Link Ave  
Baltimore, MD 21236  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)  
Varies from the minimum setback required  
which is to be a 6 foot fence and  
the setback is 30 feet.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Daniel W. Bahr*  
AFFIANT (Handwritten Signature)  
*Daniel W. Bahr*  
AFFIANT (Printed Name)  
*Carol A. Bahr*  
AFFIANT (Handwritten Signature)  
*Carol A. Bahr*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 3rd day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Daniel W. Bahr and Carol A. Bahr  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.  
5-24-91  
My Commission Expires: 1-1-93

## Zoning Description

#454

BEING KNOWN AND DESIGNATED as Lot No. 43 as shown on the Plat entitled "Final Subdivision Plat of Pullerton Farms", which Plat is recorded among the Land Records of Baltimore County in Plat Book EHKJr. No. 42, folio 48. Also known as 3913 Link Ave. in the 11th Election Dist.  
BEING one of the lots of ground which by Deed dated January 5, 1979 and recorded among the Land Records of Baltimore County in Liber EHKJr. No. 5978, folio 429, was granted and conveyed by Glock, Inc. to Sperl Construction Co., Inc., the grantor herein.

91-452-A

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: 8-001-4150  
Number

5/24/91

H9100454

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
LAST NAME OF OWNER: BAHR	TOTAL:	\$60.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: 8-001-4150  
Number

5-24-91

*Daniel W. Bahr*  
Daniel W. Bahr  
3913 Link Ave. (Fence)  
Administrative Variance

Filing Fee: \$35.00  
Sign: 25.00  
Total: \$60.00

Please Make Checks Payable To: Baltimore County  
DAAD40095NICHRC  
00011354005-24-91 \$60.00

Cashier Validation

## PETITION FOR RESIDENTIAL VARIANCE

454

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-452-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 307 of the Zoning Regulations of Baltimore County, for the following reasons:  
427 To allow a fence 6 ft. in height in the rear yard (adjoining a neighboring front yard) with a setback of 1 ft. in lieu of the minimum required 30 ft.

I want a privacy fence to keep strangers and dogs out and my young child inside my yard and out of the street.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

*Daniel W. Bahr*  
(Type or Print Name)

*Carol A. Bahr*  
(Type or Print Name)

Signature

Signature

Address

City/State/Zip Code

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of July, 1991, that the subject matter of this petition be posted on the property on or before the 12 day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 3rd day of July, 1991, at 10 o'clock, A.M.

ORDER RECEIVED FOR FILING

Date 7/3/91  
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 28, 1991

91-452-A

RE: Petition Filed in Zoning Office  
Item Number 454

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of June 4, 1991. According to our records, this Petition was filed on May 24, 1991 with John J. Sullivan, Jr.

In order for this Petition to be placed on the next agenda, you must contact Mr. Sullivan at 887-3391 to rectify the problem.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:scj

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

KJF/lvd

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

June 6, 1991

SST 5555

Mr. & Mrs. Daniel M. Bahr, Jr.  
3913 Link Avenue  
Baltimore, Maryland 21236

Re: CASE NUMBER: 91-452-A  
LOCATION: S/2 Link Avenue, 1800' (+/-) W of Belair Road  
703 Link Avenue

Dear petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 12, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 27, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

*G. S. Stephens*  
G. S. Stephens  
(301) 887-3391

May 21, 1991

WE THE RESIDENTS OF 3913 LINK AVENUE, BALTIMORE, MARYLAND 21236,  
MICHAEL S. GARRICK AND CAROLYN M. GARRICK, HAVE NO OBJECTIONS TO A  
FIVE FOOT NATURAL WOOD STOCKADE FENCE BEING ERECTED ON THE ADJOINING  
PROPERTY OF 3913 LINK AVENUE, BALTIMORE, MARYLAND 21236

Michael S. Garrick

Carolyn M. Garrick

91-452-A

Petitioner's  
Exhibit 3

**Plat to accompany Petition for Zoning Variance** ☒ **Special Hearing**

PROPERTY ADDRESS: 3913 Link Ave. Balto 21236 See pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Fullerton Farms  
Plat book: 413, folios 43, 44, 45, section 4

OWNER: E.H.M. Jr.  
Daniel W. & Carol A. Bahr

*Petitioner's Exhibit 1*

*91-452-A*

*Petitioner's Exhibit 3*

*91-452-A*

North  
date: 21 May 91  
prepared by: DWB Scale of Drawing: 1" = 50'

**LOCATION INFORMATION**

Councilmanic District: 5  
Election District: 11  
1"-200' scale map: NE 9F  
Zoning: D.R. 5-5  
Lot size: 0.14 acreage 6,288 square feet  
Sewer: ☒ ☐  
Water: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☐  
Prior Zoning Hearings: None

**Zoning Office USE ONLY**

reviewed by: [Signature] ITEM #: 454 CASE#:

CASE NUMBER

91-452-A

PETITIONER'S EXHIBIT # 2



Proposed 6' fence to replace existing ranch (rail) fence



Look for link to rear (along side)

